THE TORRENS AND CADASTRAL SYSTEMS[8]

The American Torrens system of confirming land titles, as introduced in South Australia and as developed in the State of Massachusetts, has been reproduced in the Philippines. In addition, the Philippines has gone a step further by approving a cadastral law, which is a compulsory means of establishing titles.

What with old Spanish grants and vague possessory rights, the determination of the ownership of land was in a bad way. A bold effort to grapple with the problem of simplification of titles to land was needed. Hence, the implantation of the Torrens system.

The purpose of the Torrens system law was to encourage and assist owners of real estate in procuring the registry of property. It was intended to decree land titles that shall be final and indisputable. The advantages of increased land values and increased security would then follow as a matter of course.

Still not entirely satisfied, the Insular authorities devised a broader scheme which would literally make alleged owners of land prove their titles. What is known as the Cadastral Law was enacted by the Philippine Legislature.

The term *cadastre,* from which the term "cadastral" is derived, is of French origin, and is used to indicate both a survey of land and a judicial hearing. The purpose of the cadastral system is the same as the Torrens system—incontestability of title, Only where the Torrens system is permissive, the cadastral system is compulsory.

The Government denominates a particular tract of land as a "cadastre" and it is surveyed. Notice is given that anyone claiming to own land within the boundaries of the designated tract must come

[8] See Jorge B. Vargas and Anatalio C. Manalac, *The Phili$$ine Land Registration Law* (1931).